

REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed June 2, 2005. At the time of the Final Office Action, Claims 1-17 and 19-25 were pending in this Application. Claims 1-13, 15-17, and 19-25 were rejected. Claim 14 was objected to.

Rejections under 35 U.S.C. § 112

Claim 22 was rejected by the Examiner under 35 U.S.C. §112, second paragraph, as being indefinite and failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants amend Claim 22 to overcome this rejection and respectfully request full allowance of Claim 22 as amended.

Rejections under 35 U.S.C. § 102

Claims 1-13, 15-16, 19-21, and 25 stand rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,976,656 issued to Andre Giraud (“Giraud”). This patent was cited as a reference in the parent case, and successfully distinguished.

Applicants call to the Examiner’s attention that the claims of the present case correspond to method claims in the parent case, now issued as U.S. Patent No.6,718,861. This Examiner cited Giraud in that prosecution. However, as a result of amendments and arguments, the Examiner allowed the claims. Applicants believe that the following arguments will refresh the Examiner’s memory about the reasons why the present claims are also not anticipated by, or obvious from, Giraud.

The claims of this invention recite the use of three different layers. Each layer is recited as having a distinct placement, function, and material properties.

Giraud teaches the use of only two different types of materials. A skin 4 has layers of scales, which increases the area loaded by impact. A crushing material 2 absorbs energy.

It can not be underemphasized that Giraud cannot possibly teach both an accelerating layer and a plug layer. The Examiner relies upon Figures 4a and 4b, which show the projectile contacting a layer 4 of material. The Examiner might argue that skin 4 of Giraud is

an accelerating layer, or the Examiner might argue that it is a plug layer, but skin 4 certainly cannot be both.

It is Applicants' position that skin 4 of Giraud cannot be the accelerating layer. If it were the accelerating layer, where is the plug layer? The skin 4 is what Giraud teaches as being the material that enlarges the impact area of the projectile. Skin 4 could only be analogous to the plug layer of the present invention.

To some extent, an analogy could be made between only two of the layers of the present invention and the two layers of Giraud. The plug layer of the present invention could be compared to the skin 4 of Giraud. The energy absorbing layer of the present invention could be compared to the crushing material 2 of Giraud.

However, Giraud does not teach the use of an accelerating layer. As recited in Claim 1, the accelerating layer is a significant element of the present invention. Its function is inherent in its name. It is called an "accelerating layer" because it operates to accelerate the underlying plug, so that the plug will have a velocity before being impacted by the projectile. Thus, as repeatedly explained in the Detailed Description, the accelerating layer reduces the relative velocity between the projectile and the plug. This prevents the projectile from penetrating the plug. The significance of the accelerating layer is summed up on page 13, lines 17 - 30.

This method of protecting a target is not taught or suggested by Giraud. There is no material that the projectile encounters before it encounters skin 4. Giraud is completely silent about any layer that accelerates the skin 4 before the projectile reaches the skin 4. There is nothing to affect the velocity of the projectile before it reaches skin 4.

In sum, Claim 1 recites a distinct combination of three layers. The accelerating layer and the plug layer are made from different materials and have distinct functions. Both the accelerating layer and the plug layer are needed to prevent the projectile from penetrating the plug and to form the plug-projectile combination.

For the foregoing reasons, Claim 1 is neither anticipated nor obviated by Giraud. Claim 1 and its dependent claims are allowable.

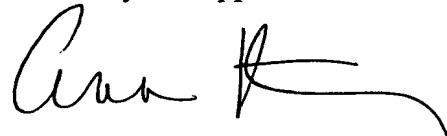
CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of all pending claims as amended.

Applicants are filing a Request for Continued Examination (RCE), and enclose an RCE Transmittal and a check in the amount of \$395.00 for the RCE fee. Applicants believe there are no additional fees due at this time, however, the Commissioner is hereby authorized to charge any fees to Deposit Account No. 50-2148 of Baker Botts L.L.P. in order to effectuate this filing.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2634.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorney for Applicants



Ann C. Livingston
Reg. No. 32,479

SEND CORRESPONDENCE TO:
BAKER BOTTS L.L.P.
CUSTOMER ACCOUNT NO. **31625**
512.322.2634
512.322.8383 (fax)

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